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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,931

10/20/2003

Paul Sung

15436.98.1

4863

22913

7590

12/11/2006

WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
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SALT LAKE CITY, UT 84111

EXAMINER

CHERRY, STEPHEN J

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,931

Applicant(s)

SUNG, PAUL

Examiner

Stephen J. Cherry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 36-51 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent 6,571,191 to York et al.

Regarding claim 36, York discloses a method comprising: performing a procedure on a component so as to generate calibration data concerning the component ('191, col. 4, line 57); transmitting the calibration data to an external storage source over a distributed network ('191, fig. 1 depicts network, and fig. 6, ref. 36); receiving a message over the distributed network concerning an error detected in the calibration data ('191, fig. 6, 36, information received by ref. 15); and informing an operator of a calibrating device of the error detected in the calibration data ('191, col. 10, line 10).

Regarding claim 42, and in view of the rejection of claim 36, York discloses a method, wherein the operator is informed of the error in real time ('191, col. 10, line 10, since procedure of figure 6 is performed by computer 12, and no delay step is disclosed, operation is inherently of sufficient speed to be considered in real time with respect to process taking place).

Regarding claim 43, and in view of the rejection of claim 36, York discloses a method, wherein receiving a message over the distributed network concerning the error detected in the calibration data comprises receiving instructions pertaining to steps that the operator should follow to correct the error in the calibration data ('191, col. 10, line 14).

Regarding claim 44, and in view of the rejection of claim 36, York discloses a method, wherein informing an operator of the calibrating device of the error detected in the calibration data comprises visually displaying the message to the operator of the calibrating device ('191, col. 10, line 25).

Regarding claim 45, York discloses a method for managing data, the method comprising:
receiving, over a distributed network, calibration data from one or more calibrating devices ('191, fig. 1, information received by ref. 15);

Regarding claim 37, and in view of the rejection of claim 36, York discloses a method, further comprising storing, at the calibrating device, the calibration data ('191, col. 6, line 18).

Regarding claim 38, and in view of the rejection of claim 36, York discloses a method, further comprising storing the calibration data in an archive storage device ('191, col. 6, line 18).

Regarding claim 39, and in view of the rejection of claim 36, York discloses a method, further comprising temporarily storing the calibration data in a file ('191, col. 6, line 18).

Regarding claim 40, and in view of the rejection of claim 39, York discloses a method, wherein transmitting the calibration data to an external storage source over the distributed network comprises transmitting contents of the file to a database over the distributed network, the transmitting of the file contents being performed in accordance with predetermined criteria ('191, col. 6, line 18).

Regarding claim 41, and in view of the rejection of claim 36, York discloses method, wherein transmitting the calibration data to an external storage source over the distributed network comprises transmitting the calibration data to a database ('191, col. 6, line 18).

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storing the calibration data received from the one or more calibrating devices in a database such that the calibration data is organized in a standard format that can be compared with other calibration data ('191, col. 6, line 18); and enabling the calibration data to be accessed by one or more network devices of a global network ('191, col. 5, line 20).

Regarding claim 46, and in view of the rejection of claim 45, York discloses a method, further comprising transmitting a message to one of the calibrating devices ('191, fig. 1 depicts network, and fig. 6, ref. 36).

Regarding claim 47, and in view of the rejection of claim 45, York discloses a method, wherein calibration data is received concurrently from a plurality of the calibrating devices ('191, col. 4, line 63, data from various engine sensors used in calibration transmitted at fig. 6, ref. 36).

Regarding claim 48, York discloses a method performed by a network device communicatively connected to one or more calibrating devices and a storage source within a distributed network, the method comprising:
accessing calibration data stored in the storage source corresponding to the one or more calibrating devices ('191, fig. 6, ref. 82);
identifying one or more errors in the calibration data corresponding to one of the calibrating devices ('191, fig. 6, ref. 88); and

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transmitting a message to the calibrating device corresponding to the one or more errors ('191, col. 10, line 23).

Regarding claim 49, and in view of the rejection of claim 48, York discloses a method of claim 48, wherein transmitting a message to the calibrating device comprises transmitting instructions pertaining to steps that an operator of the calibrating device should follow to correct the one or more errors in the calibration data ('191, col. 10, line 13, correction steps described that are performed by computer under operator control).

Regarding claim 50, and in view of the rejection of claim 48, York discloses a method, wherein identifying one or more errors in the calibration data comprises: searching the calibration data for components which have skipped a required procedure ('191, col. 10, line 12, data evaluated for being "not in" the data); and evaluating the calibration data to determine if a particular component has been improperly calibrated ('191, col. 10, line 12, data evaluated for being "corrupt" data, which would detect improper calibration).

Regarding claim 51, and in view of the rejection of claim 48, York discloses a method, wherein searching the calibration data for components which have skipped a required procedure comprises: analyzing the calibration data to determine procedures required to be performed by the calibration device upon the components ('191, col. 10, line 52); and

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determining if any of the required procedures are missing for any of the components ('191, col. 10, line 57).

Response to Arguments

Applicant's arguments filed 10-2-2006 have been fully considered but they are not persuasive.

Although applicants remarks are directed more to the form of the rejection, rather than the claims in view of the prior art, to further the prosecution of the application, the reply will be considered as responsive to the prior rejection. It is noted that applicants response does not clearly state which claimed features are not taught by the York reference and only address the form of the rejection.

Applicant states that it appears that the Examiner may be of the view that the recalibration corresponds with the procedure. The limitation, "procedure", as claimed, is taught by the recalibration of York.

Applicant states that York does not teach transmitting the calibration data, and that figure 6 does not include reference number 36. Applicant is invited to look at the first block at the top of figure 6, labeled "36", which recites, "UPLOAD". The figure depicts the transmitting of calibration data from the ECM.

Applicant states that York does not disclose informing an operator of the error, and presents argument based on the first line of the paragraph cited in the rejection.

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Applicants representative should be aware that a reference is interpreted as to what the document as a whole suggests to one of skill in the art. The last sentence of the cited paragraph issuing an error message to the fleet manager.

Applicants representative states that York does not disclose receiving calibration data over a network, however, this is disclosed at least in figure 1 which depicts a network with calibration tool. Applicant states that York does not disclose a standard format for storing data; however, no particular structure of the standard is claimed. The examiner asserts that storage in a computer device requires that the data be of digital format, a standard format for storing data.

Applicant states that York does not access calibration stored in a storage device; however, this limitation is taught by York at figure 6, ref 82 where calibration information is regrieved from ECM.

Applicants further state, it appears that the examiner is of the view that the fleet manager corresponds with the calibrating device; however, it is the view of the examiner that the hardware that implements the error message issuance, as described at col. 10, line 25, of York is the structure that corresponds to the device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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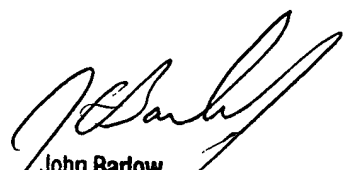
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJC
12/1/06


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